

Appl. No. 10/710,581  
Amdt. dated June 3, 2005  
Reply to Office action of May 4, 2005

### REMARKS/ARGUMENTS

#### 1. Election/Restriction

- 5       The application contains claims directed to the following patentably distinct species of the claimed invention:

10       Species I claims: a method for pattern an HfO<sub>2</sub>, which comprises a trench, a STI formed in the trench, a gate electrode with spacers, and using a bromine rich gas plasma to remove a portion of the HfO<sub>2</sub>. It appears the species read upon claims 1-17;

15       Species II claims: a method for etching an HfO<sub>2</sub>, which comprises performing a nitrogen ion bombardment to convert HfO<sub>2</sub> to Hf<sub>3</sub>N<sub>4</sub> layer, and acid phosphoric to remove the Hf<sub>3</sub>N<sub>4</sub> layer. It appears the species read upon claims 18-28.

- 20       Applicant is required under 35 U.S.C.121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

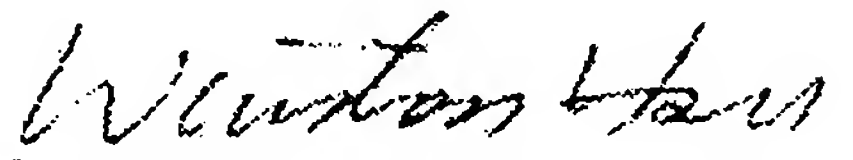
#### Response:

25

Applicant hereby elects group I invention in response to the above restriction requirement. The claims readable upon the elected group are claims 1-17. Claims 18-28 are withdrawn from consideration in the instant application. No new claims are added.

Appl. No. 10/710,581  
Amdt. dated June 3, 2005  
Reply to Office action of May 4, 2005

Sincerely yours,



Date: June 3, 2005

5 Winston Hsu, Patent Agent No. 41,526  
P.O. BOX 506, Merrifield, VA 22116, U.S.A.  
Voice Mail: 302-729-1562  
Facsimile: 806-498-6673  
e-mail : winstonhsu@naipo.com

10

Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)